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October 24, 2020

**Via CM/ECF**

Hon. Claire C. Cecchi, U.S.D.J.  
United States District Court  
50 Walnut Street  
Newark, NJ 07102

Re: *Robinson v. Murphy*, No. 2:20-cv-5420-CCC-ESK  
**Parties' Request to Stay Further District Court Proceedings  
Pending Third Circuit Appeal**

Dear Judge Cecchi:

Please accept this letter in lieu of a more formal submission from Defendants (with consent from Plaintiffs), requesting a stay of all further proceedings, with the exception of Plaintiffs' application for an emergency injunction (Dkts. 100, 105), until final disposition of the pending Third Circuit appeal in this matter.

As the Court is aware, Plaintiffs filed a Notice of Appeal with the Third Circuit of this Court's October 2, 2020 order and opinion denying their application for preliminary injunctive relief. (Dkt. 97-99). Although "[a]s a general rule, the timely filing of a notice of appeal is an event of jurisdictional significance, immediately conferring jurisdiction on a Court of Appeals and divesting a district court of its control over *those aspects of the case involved in the appeal*," *Venen v. Sweet*, 758 F.2d 117, 120 (3d Cir. 1985) (emphasis added), it also does not follow that the district court is divested of control over any and all aspects of the case.



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To the extent the latter holds true for this case, Defendants submit that good cause exists for this Court to administratively stay all further proceedings, other than its disposition of the aforementioned motion for emergency injunction pending appeal.<sup>1</sup> The Third Circuit's disposition of the pending appeal could possibly impact all future proceedings in this matter, and it is submitted that, at least, all parties would benefit from the knowledge of how that appeal should be decided. Further, it is submitted that not only would the outcome of the appeal aid this Court in its future stewardship of this matter, but a stay for the pendency of the appeal would be judicially efficient and would avoid the possibility of confusion in the record as to what deadlines must be met in the meantime.

We had reached out to counsel for Plaintiffs, Mr. Ferrara, who consents to this request.

Thank you for the Court's attention to this matter.

Respectfully submitted,

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Daniel M. Vannella  
Daniel M. Vannella (NJ Bar # 015922007)  
Assistant Attorney General  
*Attorney for Defendants*

cc: All counsel of record

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<sup>1</sup> This includes, but is not limited to, Defendants Murphy and Callahan's deadline to answer, move, or otherwise reply to Plaintiffs' Third Amended Complaint. Although yesterday, October 23, Defendants Murphy and Callahan filed application for a Clerk's extension because the current deadline ordinarily would be October 26, should the Court grant this request for a stay a new deadline can simply be set following disposition of the Third Circuit appeal.

**SO ORDERED.**

**DATE:** October 28, 2020

  
**CLAIRE C. CECCHI, U.S.D.J.**